

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-16 have been examined and are all the claims pending in the application.

***Claim rejections -- 35 U.S.C. § 103***

Claims 1-3, 5-10, and 12-16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Troxel in view of Wang, and claims 4 and 11 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Troxel in view of Wang, in further view of Chang. Each of the cited references is previously of record in the case.

Each of independent claims 1, 8, and 16 recites the feature that “if said actual value of said traffic reservation parameter exceeds said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on said actual value of said traffic reservation parameter, and if said actual value of said traffic reservation parameter is below said threshold value for said traffic reservation parameter, determining said packet marking of and marking each of said packets based on a pre-assigned priority of the packet.” At page 3 of the Office Action, the Examiner cites Troxel at col. 20, lines 37-55 and col. 21, lines 3-12 as allegedly disclosing the packet marking features of claims 1, 8, and 16.

At the newly cited portion of Troxel, Troxel describes an example of a two-stage policing policy. In this policy, high priority packets are compared with a direct value of a token counter 90; low priority packets are compared to the value of the token counter 90 minus a normal priority threshold value 94. (see col. 20, lines 46-51 and Fig. 9). However, Troxel goes on to describe that “[w]hen either type of packet is below the compared value, it is marked as non-

conforming. (see col. 20, lines 52-54). This suggests that for low priority packets, the packets are marked non-conforming based on the token value, and not based on a pre-assigned priority, as recited by the claims. More specifically, either type [meaning high or low priority packets], if they are below the threshold, are marked non-conforming. Thus, Troxel cannot take into account a previously assigned priority in this instance. Wang does not appear to include any teachings on this issue. Accordingly, Applicant respectfully submits that claims 1, 8, and 16 are each patentable over Troxel and Wang for this reason.


With respect to claims 4 and 11, these claims depend from claim 1 and claim 8, respectively. Chang does not appear to us to address the above deficiency with Troxel and Wang. Accordingly, Applicant respectfully submits that claims 4 and 11 are patentable over Troxel, Wang, and Chang for this reason.

***Conclusion and request for interview***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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